

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUSINESS BANK,

Plaintiff,

v.

P/C SUNSET CHASER, *et al.*,

Defendants.

Case No. C9-1606RSL

ORDER DENYING MOTION
FOR JUDGMENT *IN PERSONAM*
ON THE PLEADINGS

This matter comes before the Court on plaintiff's motion for judgment *in personam* on the pleadings against the individual defendants in this case. Plaintiff has shown that it is entitled to a judgment on the pleadings based on defendants' failure to contest the factual allegations in the complaint. Indeed, they concede that they did not comply with their obligations. Answer, (Dkt. #13) at p. 2 (noting that defendants "were unable to meet the terms of the Note and Mortgage due to a significant change in income due to job layoff."). Nor have they responded to this motion, which the Court construes as a concession that the motion has merit pursuant to Local Rule 7.

However, the judgment that plaintiff seeks is unwarranted. Plaintiff seeks the entry of a judgment now, then it plans to file a motion in which it "will request that the judgment amount be increased by the approved administrative expenses and attorneys' fees and costs and

1 decreased by the net amount realized by Business Bank after the boat was sold.” Affidavit of
2 Counsel, (Dkt. #28) at p. 2. Plaintiff has already sold the vessel, and it has not explained why it
3 cannot calculate the relevant amounts now. Moreover, it has not cited any authority in support
4 of entering what would essentially be a placeholder judgment. To the contrary, the applicable
5 Court rules contemplate the entry of a final judgment. See, e.g., Federal Rule of Civil Procedure
6 60. The circumstances under which a judgment may later be altered are finite and do not
7 contemplate the circumstances here.

8 For the foregoing reasons, plaintiff’s motion (Dkt. #27) is DENIED. Plaintiff may move
9 again to request a final judgment.

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11 DATED this 21st day of July, 2010.

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15 Robert S. Lasnik
16 United States District Judge
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